

Judge: Christopher M. Alston
Chapter: 13
Hearing Date: June 15, 2017
Hearing Time: 9:30 am
Hearing Location: Judge Alston's Courtroom
700 Stewart St #7206
Seattle, WA 98101-8101
Response Date: June 08, 2017

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE**

In Re:

LAN NGOC NGUYEN,

Debtor.

IN CHAPTER 13 PROCEEDING
NO. 17-10465

NOTICE OF TRUSTEE'S MOTION TO DISMISS
CASE AND HEARING

PLEASE TAKE NOTICE that the Chapter 13 Trustee's Motion to Dismiss Case IS SET FOR HEARING as follows:

Judge: Christopher M. Alston
Place: Judge Alston's Courtroom
700 Stewart St #7206
Seattle, WA 98101-8101

Date: June 15, 2017
Time: 9:30 am

IF YOU OPPOSE the motion, you must file your written response with the Court Clerk NOT LATER THAN THE RESPONSE DATE, which is June 08, 2017.

IF NO RESPONSE IS TIMELY FILED, the Court may, in its discretion, GRANT THE MOTION PRIOR TO THE HEARING WITHOUT FURTHER NOTICE, and strike the hearing.

Date: May 04, 2017

/s/K. Michael Fitzgerald
K. Michael Fitzgerald, WSBA# 8115
Chapter 13 Trustee

NOTICE OF TRUSTEE'S MOTION TO DISMISS CASE
AND HEARING

Chapter 13 Bankruptcy Trustee
600 University St. #2200
Seattle, WA 98101
(206) 624-5124

Judge: Christopher M. Alston
Chapter: 13
Hearing Date: June 15, 2017
Hearing Time: 9:30 am
Hearing Location: Judge Alston's Courtroom
700 Stewart St #7206
Seattle, WA 98101-8101
Response Date: June 08, 2017

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE**

In Re:

LAN NGOC NGUYEN,

Debtor.

IN CHAPTER 13 PROCEEDING
NO. 17-10465

TRUSTEE'S MOTION TO DISMISS CASE

The Trustee moves to dismiss this case pursuant to 11 U.S.C. § 1307(c):

The debtor filed a plan on April 28, 2017 (ECF No. 18).

The debtor has failed to make plan payments and is delinquent \$2,948.00.

The debtor's case was filed on February 2, 2017 (ECF No. 1). The above delinquency includes the May 2017 plan payment, which was due by May 2, 2017. The debtor needs to make timely and complete monthly plan payments to the Trustee. The debtor filed her Motion to Confirm Amended Plan (ECF No. 19) on April 28, 2017, and noted that motion for hearing on the Court's May 25, 2017 motion calendar. Parties shall give 28 days' notice for confirmation hearings. Fed. R. Bankr. P. 2002(b). The debtor did not provide sufficient notice of her motion to creditors. The debtor's plan, Section XII, provides that "the plan payment includes payment of priority claim to IRS totaling \$12,037.88." The debtor needs to amend the plan to remove this provision. Section IV.D. of the plan already addresses payment of priority debt, so this language is unnecessary. In addition, the debtor references a priority amount of \$12,037.88 in Section XII, which is inconsistent with the priority amount listed in the IRS claim (ECF Claim No. 3). The language should be removed in its entirety. The Trustee reserves the right to assert additional bases for this motion. If the debtor fails to address the issues set forth in both the Trustee's Objection and Motion to Dismiss, the case should be dismissed.

TRUSTEE'S MOTION TO DISMISS CASE - 1

Chapter 13 Bankruptcy Trustee
600 University St. #2200
Seattle, WA 98101
(206) 624-5124

THE TRUSTEE REQUESTS that the Court dismiss this case.

Dated: May 04, 2017

/s/ K. Michael Fitzgerald
K. Michael Fitzgerald, WSBA #8115
Chapter 13 Trustee

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10 **IN THE UNITED STATES BANKRUPTCY COURT**
11 **FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE**

12 In Re:

13 LAN NGOC NGUYEN,

14
15 Debtor.

IN CHAPTER 13 PROCEEDING
NO. 17-10465

Proposed
ORDER DISMISSING CASE

16 THIS MATTER having come before the Court on the Chapter 13 Trustee's Motion to Dismiss Case, and the
17 Court having reviewed and considered the motion, records and files in this case, it is

18 ORDERED that this case is dismissed.

19 // End of Order //

20
21 Presented by:

22 /s/K. Michael Fitzgerald

23 K. Michael Fitzgerald, WSBA# 8115

24 Chapter 13 Bankruptcy Trustee

25 600 University St. #2200

26 Seattle, WA 98101

27 (206) 624-5124
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ams
ORDER DISMISSING CASE

Chapter 13 Bankruptcy Trustee
600 University St. #2200
Seattle, WA 98101
(206) 624-5124